

Appl. No. 09/696,538
Amdt. dated February 9, 2006
Reply to Office Action of August 9, 2005

PATENT

REMARKS/ARGUMENTS

Claims 10-18 are pending.

Claims 10-18 were rejected under 35 U.S.C. § 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter that Applicant regards as the invention. Additionally, claims-10-18 were rejected under 35 U.S.C. § 101 because the Examiner believes that the claimed invention is directed to non-statutory subject matter. Applicants have therefore amended the claims to make it clear that the method of the claims of operating the simulated trading system is on a computing platform. Additionally, Applicants have amended the claims to address antecedent basis issues that they have discovered therein. Finally, with regard to the Examiner's comments about whether or not the claims are for a simulator or for actual trading, it is respectfully submitted that this is irrelevant. The claims are directed to a method of operating a simulated trading system on a computing platform. Thus, they may take place on a computing platform in a classroom, on an e-trade website, over the Internet through numerous locations, and other types of computing platforms. Accordingly, it is respectfully submitted that all claims now fully comply with 35 U.S.C. § 112 and 35 U.S.C. § 101, and therefore, it is respectfully requested that the rejections be withdrawn.

Claims 10-13 and 15-16 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Applicants' Admitted Prior Art, page 2, line 10-page 3, line 13, especially page 2, line 21 and line 27, in view of Shyla Sangaran, May 22, 2000 "Getting the Feel of Trading Stocks Online," New Straits Times, Kuala, Lumpure (hereinafter "Shyla") and Harrington et al. (U.S. Patent No. 6,161,099).

With regard to claim 14, the Examiner appears to be rejecting this claim in view of Applicants' admitted prior art, Shyla and Harrington, as well as Official Notice.

These rejections are respectfully traversed and reconsideration is respectfully requested.

The Examiner contends that Shyla discloses awarding each participant an item of value in an amount having a monetary value that is a function of their respective portfolio's performance over an investment period. The Examiner indicates that this is for letting the local

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investors to become members and have an opportunity to experience buying and selling via the Internet and win their portfolio value without risk at the end of the week. Thus, the Examiner is clearly admitting that Shyla discloses that participants are allowed to win an award based on their portfolio's performance. Shyla discloses that the grand prize is RM10,000 cash. Thus, it is not a function of the participant's respective portfolio's performance over an investment period. It is a fixed sum of RM10,000 that is awarded as a grand prize and thus, only one person wins it. Additionally, in the next sentence, Shyla discloses that two winners, not each participant, will also be selected based on their portfolio value of cash and stocks at the close of the week. Once again, there is no mention that the award is a function of their respective portfolio's performance over an investment period. Thus, Shyla merely discloses what is disclosed in the background section of the present application, i.e., Applicants' Admitted Prior Art, in that it is simply a contest that provides prizes as discussed on page 2, lines 10-20 of the present application.

In contrast, claim 10 clearly recites that each participant is awarded an item of value in an amount having a monetary value that is a function of their respective portfolio's performance over an investment period. Thus, every participant may receive an award whether or not they are the "winner." Furthermore, the award is a function of the respective portfolio's performance over an investment period. It is not a fixed sum. Thus, a participant's award may have a monetary value that is equal to zero if there are not any representative net profits simulated by the participant during the investment period.

With regard to Harrington, while Harrington may disclose executing actual trades that have monetary consequences by a system operated to thereby earn money to provide items of value, there is no disclosure or even suggestion in Harrington to execute actual trades to thereby earn money to provide items of value that are awarded to participants in a simulated trading system.

Accordingly, it is respectfully submitted that claim 10 is allowable.

Claims 11-18 depend on claim 10, and therefore, they are allowable for at least the reason claim 10 is allowable.

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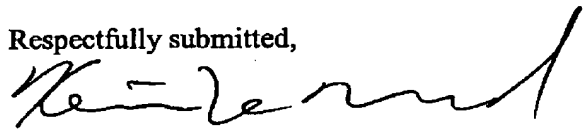
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CONCLUSION

In view of the foregoing, Applicants believe all claims now pending in this Application are in condition for allowance. The issuance of a formal Notice of Allowance at an early date is respectfully requested.

If the Examiner believes a telephone conference would expedite prosecution of this application, please telephone the undersigned at 415-576-0200.

Respectfully submitted,



Kevin T. LeMond
Reg. No. 35,933

TOWNSEND and TOWNSEND and CREW LLP
Two Embarcadero Center, Eighth Floor
San Francisco, California 94111-3834
Tel: 415-576-0200
Fax: 415-576-0300
Attachments
KTL:lo
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